

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Tziporah May,

Plaintiff,

-v.-

Arstrat, LLC

Defendant(s).

Civil Action No: \_\_\_\_\_

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

Plaintiff Tziporah May (hereinafter, "Plaintiff"), a New York resident, brings this Complaint by and through her attorneys, Stein Saks PLLC, against Defendant Arstrat, LLC (hereinafter "Defendant Arstrat"), based upon information and belief of Plaintiff's counsel, except for allegations specifically pertaining to Plaintiff, which are based upon Plaintiff's personal knowledge.

**INTRODUCTION/PRELIMINARY STATEMENT**

1. Congress enacted the Fair Debt Collection Practices Act (hereinafter "the FDCPA") in 1977 in response to the "abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors." 15 U.S.C. §1692(a). At that time, Congress was concerned that "abusive debt collection practices contribute to the number of personal bankruptcies, to material instability, to the loss of jobs, and to invasions of individual privacy." *Id.* Congress concluded that "existing laws...[we]re inadequate to protect consumers," and that

"the effective collection of debts" does not require "misrepresentation or other abusive debt collection practices." 15 U.S.C. §§ 1692(b) & (c).

2. Congress explained that the purpose of the Act was not only to eliminate abusive debt collection practices, but also to "insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged." *Id.* § 1692(e). "After determining that the existing consumer protection laws were inadequate." *Id.* § 1692(b), Congress gave consumers a private cause of action against debt collectors who fail to comply with the Act. *Id.* § 1692k.

#### **JURISDICTION AND VENUE**

3. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692 et. seq. The Court has pendent jurisdiction over the State law claims in this action pursuant to 28 U.S.C. § 1367(a).

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2), as this is where the Plaintiff resides as well as where a substantial part of the events or omissions giving rise to the claim occurred.

#### **NATURE OF THE ACTION**

5. Plaintiff brings this action under §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

6. Plaintiff is seeking damages and declaratory relief.

#### **PARTIES**

7. Plaintiff is a resident of the State of New York, County of Queens, residing at 6820 Fleet Street, Forest Hills, NY 11375.

8. Defendant Arstrat is a "debt collector" as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA with an address for service of process upon its registered agent, Corporation Service Company, at 80 State Street, Albany, New York 12207-2543.

9. Upon information and belief, Defendant Arstrat is a company that uses the mail, telephone, and facsimile and regularly engages in business the principal purpose of which is to attempt to collect debts alleged to be due another.

### **FACTUAL ALLEGATIONS**

10. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered above herein with the same force and effect as if the same were set forth at length herein.

11. Some time prior to October 14, 2020 an obligation was allegedly incurred to Northwell Health.

12. The Northwell Health obligation arose out of transactions in which money, property, insurance or services, which are the subject of the transaction, were primarily for personal, family or household purposes, specifically medical services.

13. The alleged Northwell Health obligation is a "debt" as defined by 15 U.S.C. § 1692a(5).

14. Northwell Health contracted with Defendant Arstrat to collect the alleged debt.

15. Defendant Arstrat collects and attempts to collect debts incurred or alleged to have been incurred for personal, family or household purposes on behalf of creditors using the United States Postal Services, telephone and internet.

Violation

16. On or about October 14, 2020, the Defendant sent Plaintiff a collection letter regarding the alleged debt owed to Northwell (the “Letter”). **See Exhibit A.**

17. The letter stated: “Northwell Health has placed this account with our office for collection. We have not received payment for the below listed account(s).

18. The letter continues to demand payment and lists a balance of \$500.00

19. On or about September 9, 2020 Plaintiff paid this balance in full.

20. The letter is deceptive and misleading because it states that a payment is due, including instructions for payment when payment has already been made.

21. The letter is dated more than a month after the payment was made and Defendant knew or should have known that the payment was made.

22. It is unfair, unconscionable and deceptive and misleading to attempt to collect a debt that has already been paid.

23. As a result of Defendants’ deceptive, misleading and unfair debt collection practices, Plaintiff has been damaged.

**COUNT I**  
**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §1692e**  
***et seq.***

24. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs above herein with the same force and effect as if the same were set forth at length herein.

25. Defendants’ debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692e.

26. Pursuant to 15 U.S.C. §1692e, a debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt.

27. Defendants violated said section
  - a. by creating a false and misleading representation of the legal status of the debt in violation of §1692e (10); and
  - b. by falsely representing the character, amount or legal status of the debt in violation of §1692e(2);

By reason thereof, Defendants are liable to Plaintiff for judgment that Defendants' conduct violated Section 1692e et seq. of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

**COUNT II**  
**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C.**  
**§1692f et seq.**

28. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs above herein with the same force and effect as if the same were set forth at length herein.
29. Defendants' debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692f.
30. Pursuant to 15 U.S.C. §1692f, a debt collector may not use any unfair or unconscionable means in connection with the collection of any debt.
31. Defendants violated this section by collecting a debt which was already paid.
32. By reason thereof, Defendants are liable to Plaintiff for judgment that Defendants' conduct violated Section 1692f et seq. of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

**COUNT III**  
**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C.**  
**§1692d et seq.**

33. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs above herein with the same force and effect as if the same were set forth at length herein.

34. Defendants' debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692d.

35. Pursuant to 15 U.S.C. §1692d, a debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.

36. Defendants violated this section by collecting a debt which was already paid.

37. By reason thereof, Defendants are liable to Plaintiff for judgment that Defendants' conduct violated Section 1692d et seq. of the FDCPA, actual damages, statutory damages, costs and attorneys' fees.

#### **DEMAND FOR TRIAL BY JURY**

38. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby requests a trial by jury on all issues so triable.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Tziporah May, demands judgment from Defendant Arstrat as follows:

1. Awarding Plaintiff statutory damages;
2. Awarding Plaintiff actual damages;
3. Awarding Plaintiff costs of this Action, including reasonable attorneys' fees and expenses;

4. An order enjoining and directing Defendant to comply with the FDCPA in its debt collection activities, including without limitation: Directing Defendant to cease engaging in debt collection practices that violate the FDCPA; and
5. Awarding pre-judgment interest and post-judgment interest; and
6. Awarding Plaintiff and such other and further relief as this Court may deem just and proper.

Dated: December 9, 2020

/s/ Raphael Deutsch  
By: Raphael Deutsch, Esq.  
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